

Form 2. Notice of the Rights of Victims in Juvenile Court**NOTICE OF THE RIGHTS OF VICTIMS IN JUVENILE COURT****1. Right to Participation**

Minnesota law (Minn. Stat. § 260B.163, subd. 1 (2002) and § 611A.01, et seq. (2002)) prohibits the public from attending juvenile hearings in most cases. However, a person who has a direct interest in the case, such as a crime victim, has the following rights to participate:

- a. The right to have input in a pretrial diversion program decision;
- b. The right to object to the proposed disposition and a plea agreement;
- c. The right to request the prosecutor make a demand for a speedy trial;
- d. The right to be present in court at the time of the disposition hearing (sentencing); and
- e. The right to submit an impact statement to the judge orally or in writing, at the time of disposition (sentencing) hearing.

2. Right to Notification

You have a right to be notified of certain information such as the following:

- a. The contents of any plea agreement;
- b. The schedule changes in court proceedings if you have been subpoenaed or requested to testify;
- c. The information regarding the detention hearing of an arrested or detained juvenile;
- d. The final disposition of the case;
- e. The transfer of the juvenile to a less secure correctional facility;
- f. The release of the juvenile from a custodial institution; and
- g. The escape and apprehension of the juvenile from a custodial institution.

3. Right to Protection

As a victim and/or witness, you have certain rights to protection such as the following:

- a. The right to a safe and secure waiting area during the court process, if available;
- b. The right to ask a law enforcement agency to withhold public access to data revealing your identity;
- c. The right not to give your home or business address in open court; and
- d. The right not to be retaliated against by employers if you are called to testify as a victim or witness.

4. Right to Financial Assistance

You may be eligible for financial assistance from the state through the Crime Victims' Reparations Board if you have suffered economic loss as a result of a violent crime. Also, you may ask the court to order the juvenile to pay restitution under Minn. Stat. § 611A.04. If the juvenile fails to pay restitution as ordered, you have the right to ask the juvenile's probation officer to request a probation review hearing.

5. Additional Rights

In cases involving sex offenses, you have the right to be notified whether the offender has any sexually transmitted diseases, and may also have the right to ask that the offender submit to HIV-testing.

TERMS USED IN JUVENILE COURT PROCEEDINGS

DETENTION

A juvenile can be detained in foster care, at a shelter care facility, at a secure detention facility, at a detoxification, chemical dependency or psychiatric facility, at an adult jail, or in the juvenile's home subject to electronic home monitoring. Most juveniles must appear before the court within 36 hours of being taken into custody for a detention hearing.

ARRAIGNMENT

At the arraignment hearing, the juvenile will appear in court and be asked to plead guilty or not guilty to the charges. Juveniles are entitled to representation by an attorney. A plea of guilty leads to a disposition (sentencing) hearing. If a juvenile pleads not guilty, there will be a trial.

PRETRIAL HEARING

In some cases, the judge orders a pretrial hearing to decide issues of law and allow the parties the opportunity to settle the case before trial.

TRIAL

A juvenile has the same legal protections during trial as an adult charged with a crime. Most juvenile trials are held before a judge who will decide whether the juvenile is guilty or not guilty. If the petition has been proved, there will be a disposition hearing.

DISPOSITION

The disposition may include restitution, fines, community service, probation, out-of-home placement, counseling or treatment, and/or victim/offender mediation. The court will take into consideration the seriousness of the offense, the child's prior history of offenses, and available programs and services.